

COPY

Opinion

1957

December 6

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Adelard E. Cote, Commissioner  
Labor Department  
State House  
Concord, New Hampshire

Dear Mr. Cote:

This will acknowledge your letter of November 20, 1957 in which you request an interpretation of RSA 281:21. The case which you state is that of an employee who sustains an injury during the course of his employment which requires the extraction of his teeth and who therefore is furnished by his employer with a so-called Jectron Splint denture. The question you ask is whether the employer is required to replace this device with a permanent denture after a period of time. It is my understanding that the so-called Jectron Splint denture is simply a temporary device to be used during the period of healing and shrinking of the gums, after which a permanent denture can be fitted.

It is the opinion of this office that the employer is required to furnish the injured employee with a permanent denture when the period of healing of the gums has been completed and the permanent denture is required. The statute (RSA 281:21) requires that in the event of the loss of a member of the employee's body the employer shall furnish an appropriate artificial appliance to replace this loss. It seems clear that the appliance to replace such loss referred to in the statute is to be a permanent appliance. Therefore, the fact that the injured employee required a temporary appliance to replace his loss during the period of healing and was in fact furnished with such by his employer would not relieve the employer from the requirement of furnishing an appliance of a permanent nature when the need arose.

Sincerely yours,

John J. Zimmerman  
Assistant Attorney General

JJZ/lit